



MARYLAND DEPARTMENT  
OF HUMAN RESOURCES



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## PRESS RELEASE

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**For more information:**

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**BALTIMORE, MD** – Following an eight-month mediation process, both plaintiffs and defendants in the long-standing child welfare *L.J. v. Massinga* class-action lawsuit jointly filed documents in federal court late yesterday to replace a consent decree with a new compliance and exit plan. Baltimore City Department of Social Services (BCDSS) has operated under an existing consent decree since 1988.

The filing signifies an enforceable agreement by both sides on how to address and resolve some long standing systemic child welfare issues in Baltimore City. The new decree – subject to approval by the United States District Court for the District of Maryland – will ultimately result in BCDSS providing better, more comprehensive care for the more than 5,000 foster children in Baltimore City.

The original *L.J. v. Massinga* lawsuit was filed against the Maryland Department of Human Resources (DHR) and BCDSS in 1984 because of the agency's poor child welfare practices and outcomes. In 2007, the children's attorneys filed a petition for contempt alleging that the defendants had not met the requirements of the consent decree and that the children were not receiving adequate care. The parties then agreed to negotiate rather than litigate issues under the decree. If the requirements of the new plan are met, BCDSS could request an end to the federal court's oversight, perhaps within the next 18-24 months.

The new plan requires BCDSS to report on 126 child welfare elements and adequately meet 40 exit standards in five main areas: preservation and permanency planning; out of home placements; healthcare; education; and workforce. The plan contains many new protections and services for children to help youth achieve independence as they age.

"This is all about the children," explained DHR Secretary Brenda Donald. "We are committed to transforming BCDSS into a more data-driven, responsive and proactive agency that can serve as a model for other child welfare agencies in other cities." Donald noted that because of DHR's Place Matters reform agenda, BCDSS is already making marked improvements.

"Defendants have taken significant steps to become proper custodians and to provide the dramatic overhaul of the child welfare system in Baltimore that has been needed for two decades," said Mitchell Y. Mirviss, one of plaintiffs' attorneys, who has represented foster children in the case for more than twenty years and is a partner at Venable LLP.

“If fully implemented with the considerable expertise and commitment being shown by the current Administration, the plan has the potential to result in a model child welfare system that meets the placement, health, education and permanency needs of each child entering foster care in Baltimore City,” said Mirviss. “To be successful, the governor, the General Assembly and the citizens of the state must make the necessary financial and programmatic commitments regarding staffing levels, training and provide the support needed to help children cope with the trauma of any prior abuse or neglect.”

“Two of the most significant parts of the plan are about regularly checking on the needs of the birth families and the well being of children in the foster system,” said Rhonda Lipkin, an attorney and fellow at the Public Justice Center who has served as co-counsel for the plaintiffs on the case. “Such regular assessments will prevent many children from being placed in foster care and reduce the length of time a child has to stay in foster care.”

“Every child deserves a family and this has been my mantra with our staff, the community and with the children we serve,” said BCDSS Director Molly McGrath. “Today, we recommitted ourselves to reaching higher standards and providing more comprehensive services to vulnerable kids and families in Baltimore City.”

"There's no doubt in my mind that carrying out this plan will require leadership, focus and support from the state, BCDSS and a wide range of community partners," said Judith Meltzer, the mediator who worked with both sides to formulate the compliance and exit plan. "One of the reasons that this Agreement was possible now is the commitment of current leadership at DHR and BCDSS to the same goals and high standards for results for children and families that Plaintiffs are seeking."

"I have sensed nothing but the highest level of commitment from everyone involved in the mediation to not only reform practices and procedures, but to change the hearts and minds of so many people who may currently lack faith in the system - including social workers themselves," said Meltzer.

A significant number of the exit standards in the plan relate to BCDSS implementing the family-centered practice child welfare model. This model seeks to foster a greater collaboration with families and their respective communities to provide the requisite help and support when a child's safety, health or well-being is called into question. The family-centered practice is a nationally recognized best practice in child welfare.

### ***Preservation and Permanency Planning***

Under the plan, BCDSS will strive to enable a child to stay with his or her family. However, when a child must come into the state's care for safety reasons, BCDSS will minimize the length of time that child stays in foster care.

Specifically, BCDSS will ensure that:

- Children and families in family preservation have a case plan and that they receive the services identified in the case plan. Such services could include health care, mental health treatment, and – if needed – educational support.

- Efforts are made to reunite families quickly, to provide parents with frequent visitation with their children (and separated children with their siblings), and to terminate parental rights quickly when reunification is not longer a viable option for the child.
- Youth aged 14 or older have a transition plan included in the case plan and receive the services identified in a timely fashion so that children are ready by the age of 21 to transition to adulthood.

### ***Out-of-Home Placement***

The Baltimore City Department of Social Services will ensure that children are placed promptly in the least restrictive appropriate placement type for that child's needs. And, BCDSS will provide each child in out-of-home placement and the child's caregiver the services necessary to 1) meet the child's immediate and long-term needs; 2) support the stability of the child's placement and the caregiver's ability to meet the child's needs; 3) avoid placement of the child in a more restrictive setting; and 4) move the child, if appropriate given the child's needs, to a less restrictive setting.

The agency will not place a child under the age of 13 in a group home or place any child in an office, motel, hotel or other unlicensed facility – except in extremely unusual circumstances.

Specifically, BCDSS and/or DHR will ensure that:

- Children 12 or older participate in placement decisions.
- Children have documented visits from their caseworker at least once a month in the child's placement to assess how the child is adjusting to foster care.
- The agency meets the federal standard for protecting children in foster care from maltreatment in their placement.
- Foster parents and relative caregivers receive necessary supportive services including child care, respite care and crisis intervention.

According to BCDSS, of the 5,225 children in foster care in Baltimore City in April, 80 percent were in a family setting. Statewide, 76 percent of children in foster care were in a family setting. Baltimore City leads in placing children in family settings.

### ***Health Care***

The new plan requires BCDSS to give children in out-of-home placement an initial health screening within five days and a comprehensive health assessment within 60 days of coming into foster care. Health screenings, assessments and plans must be reviewed by a pediatrician. A completed health passport and a medical assistance card must be provided to the caregiver promptly after the child comes into foster care.

According to BCDSS, 94 percent of all children currently coming into foster care have an initial health screening within five days, although not as many children are currently receiving comprehensive health assessments with the required timeframe. The agency is also making significant progress in enhancing health care for foster children because of its work with community partners including the Baltimore City Department of Health and Baltimore Health Access.



### ***Education***

In addition to providing for the safety and health of children in foster care, BCDSS will help children in care either stay enrolled in their original school or make the appropriate arrangements for children to attend a new school immediately after entering foster care. The agency will routinely draft and carry out an education plan for every new child.

Specifically, BCDSS will ensure that:

- Children enroll in and begin attending school within five days of out-of-home placement.
- Children have an educational plan; that the elements in the plan are carried out and that child welfare workers monitor the plan on a monthly basis.
- Children who need special education services are promptly referred when there is an indication of developmental delay or disability.

Currently, according to BCDSS, 89 percent of children coming into foster care are enrolled in school within five days of being placed in foster care.

### ***Workforce***

The plan also addresses workforce training and caseloads. Each child welfare worker will be responsible for no more than 15 children. Resources and support workers will be responsible for no more than 40 families at a time. Each supervisor will be responsible for no more than six caseworkers.

Specifically, BCDSS will ensure that:

- Case-carrying staff are at or below the standard for caseload ratios.
- Case-carrying teams are at or below the standard for ratio of supervisor: worker.
- Caseworkers and supervisors have at least 20 hours of training annually.
- When a child's case must be transferred to a new caseworker, the case will be transferred within five days with all documents needed to ensure appropriate monitoring.

### ***Other General Provisions***

The Baltimore City Department of Social Services will develop and submit to the court biannual reports that will indicate progress on each of the 40 exit standards and on the 22 additional commitments BCDSS/DHR are required to meet to ensure full implementation of the new plan.

An independent expert will review and verify actual data that BCDSS regularly reports and ensure that the data measurement processes accurately measure the outcomes and exit standards. Once BCDSS has been certified as meeting an exit standard for three consecutive six-month reporting periods, the agency will be considered to be in compliance with that exit standard.

### ***Next Steps***

“We will continue our dogged pursuit of the Place Matters initiative and build on our accomplishments,” said McGrath. “The new L.J. consent decree will be a strong factor in structuring our work and helping us concentrate on a very focused set of priorities.”

After today’s filing, the parties will notify members of the class-action, other interested individuals and organizations. The federal court will hold a hearing on August, 5 2009 to consider any comments and objections to the plan. The court will then decide whether to accept the plan and approve the modified consent decree.

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